

REMARKS

Claims 1-15 are presently pending. Claims 16-22 are cancelled without prejudice.

Claims 1-15 were rejected. Claims 1 and 11 were rejected under 35 U.S.C. § 103(a) as being obvious from Hughes in view of AAPA and further in view of Garrido.

Examiner has indicated that "it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hughes with AAPA to adequately combine the various program streams that compose a standard definition stream into a signal."

Examiner has also indicated that "it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Hughes and AAPA with the teachings of Garrido to convert SDTV signals to fit on HDTV displays ([0050])."

Assignee respectfully traverses the rejection to claim 1. It is first noted that in Hughes already allows for signals that "fit on HDTV displays". See Hughes, Abstract. Thus, given that Hughes already allows for signals that "fit on HDTV displays", one skilled in the art would not need to combine the teachings of Hughes, AAPA, with the teachings of Garrido to achieve this goal.

Secondly, Hughes also teaches away from combination with Garrido. As Hughes notes, "Although a new high-definition television (HDTV) standard is emerging, most existing televisions and television receivers are low-resolution (i.e., standard definition televisions - SDTVs)." Paragraph 0002. "[T]o avoid obsoleting the large number of existing standard definition televisions and disc players, high-resolution DVD devices (e.g., high-resolution DVD players) will also need to support DVD programs

recorded in the prior standard definition format." Paragraph [0004]. Assignee respectfully submits that Hughes teaching of the "need to support DVD programs recorded in the prior standard definition format" to "avoid obsoleting the large number of existing standard definition televisions ..." teaches away from Examiner's proposed modification of "scaling the standard definition video stream to a resolution consistent with the high definition video data stream" "to convert SDTV signals to fit on HDTV displays".

Thirdly, it is noted that modifying Hughes as proposed by Examiner would render Hughes inoperable for its intended purpose. In Hughes "The base layer represents a standard definition portion of the source image and the enhancement layer represents a high-resolution portion of the source image." Abstract. "The data is formatted such that a standard definition device will not read the enhancement layer data. A high-resolution decoding system decodes the base layer and the enhancement layer simultaneously to generate a high-resolution image." Abstract.

Clearly, if "the standard definition device will not read the enhancement layer data", if Hughes is modified to include "scaling the standard definition video stream to a resolution consistent with the high definition video data stream" "to convert SDTV signals to fit on HDTV displays", a standard definition device in Hughes would not be able to read the media. Additionally, since "A high-resolution decoding system decodes the base layer [that represents a standard definition portion of the source image, Abstract] and the enhancement layer simultaneously to generate a high-resolution image", if Hughes is modified to include "scaling the standard definition video stream to a

resolution consistent with the high definition video data stream", even the "high-resolution decoding system" would not be able to decode the media.

Finally, if one skilled in the art were motivated to "combine the teachings of Hughes with AAPA to adequately combine the various programs streams that compose a standard definition stream into a signal", one skilled in the art would not then "scal[e] the standard definition video stream to a resolution consistent with the high definition video data stream", because doing so would not longer "adequately combine the various programs streams that compose a standard definition stream".

Accordingly, for at least the foregoing reasons, Assignee respectfully traverses the rejection to independent claims 1 and 11, and dependent claims 2-10, 12-15.

In addition to the reasons above, the rejection to claim 11 is also traversed because even if Hughes, AAPA, and Garrido were combined as proposed by Examiner, the foregoing combination would not teach all the limitations of claim 11.

Claim 11 recites, among other limitations, "An apparatus ... comprising:", "a high definition program stream demuxer", and "a video mixer". Examiner has indicated that Hughes teaches "an apparatus" "comprising:" "a high definition program stream demuxer ... (fig. 1)" and "a video mixer ... (Hughes teaches a combining module which decodes and combines the base layer with the enhancement layer data to generate a high resolution signal [0044] which reads on the claimed limitation)."

Assignee respectfully submits that even if Hughes teaches "a high definition program stream demuxer" at Fig.

1, and even if the "video mixer for replacing the scaled up standard definition video stream with the high definition stream" read on Hughes, [0044], "combining module 308, which decodes and combines the base layer data with the enhancement layer data to generate a high-resolution signal", Hughes still does not teach "An apparatus ... comprising:", "a high definition program stream demuxer", and "a video mixer".

In Hughes, "Fig. 1 illustrates a layered encoding system that separates a high-resolution source image into a base layer and an enhancement layer, and stores the base layer and the enhancement layer in separate tracks on a storage medium such as a DVD." Hughes, [0027]. However, Hughes [0044], "combining module 308" is part of Figure 5. "Fig. 5 illustrates a high-resolution DVD decoding system 300", clearly a different apparatus from Figure 1. Accordingly, Assignee respectfully traverses the rejection because the combination proposed by Examiner does not teach "An apparatus ... comprising:" "a high definition program stream demuxer", and "a video mixer for replacing the scaled up standard definition video stream with the high definition video data stream". Accordingly, Assignee respectfully traverses the rejection to claim 11, and dependent claims 12-15, for this at least this additional reason.

CONCLUSION

For at least the foregoing reasons, Assignee respectfully submits that each of the pending claims are allowable and Examiner is respectfully requested to pass this case to issuance. The Commissioner is hereby authorized to charge additional fees or credit overpayments

to the deposit account of McAndrews, Held & Malloy, Account
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Respectfully submitted,



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